

Australian Capital Territory

Earnings (Assignment and Attachment) Act 1966 No 7

Republication No 3

Republication date: 1 August 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Earnings (Assignment and Attachment) Act 1966* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)), as in force on 1 August 2002. It also includes any amendment, repeal or expiry affecting the republished law to 12 September 2001.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

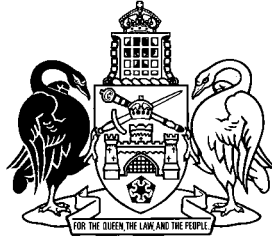
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Earnings (Assignment and Attachment) Act 1966

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Earnings (Assignment and Attachment) Act 1966

An Act relating to the assignment and attachment of earnings

1 Name of Act

This Act is the *Earnings (Assignment and Attachment) Act 1966*.

4 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

court includes a person competent to make an order for the attachment of a debt.

dependant, in relation to a judgment debtor, means a person to whose maintenance the judgment debtor contributes or is liable to contribute.

earnings means a sum payable to a person—

- (a) by way of wages or salary, including any fee, bonus, commission, overtime pay or other emolument payable in addition to wages or salary; or
- (b) by way of pension, including—
 - (i) an annuity in relation to past services, whether or not the services were rendered to the person paying the annuity; and
 - (ii) periodical payments in relation to compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment; and
 - (iii) periodical payments in relation to compensation for the loss of wages or salary because of illness or injury;

but does not include a pension, benefit or allowance payable to a person under—

- (iv) the *Social Security Act 1991* (Cwlth); or
- (v) the *Veterans' Entitlements Act 1986* (Cwlth).

judgment debtor means a person liable under a judgment or order (whether obtained before or after the commencement of this Act) for the recovery or payment of money or costs.

Metal Trades Award means the Metal Trades (Australian Capital Territory) Award 1982 as originally made and as varied from time to time.

5 Limitation on attachment of wages

A court shall not make an order for the attachment of earnings of a judgment debtor that would, if enforced, reduce those earnings to an amount that is less than an amount calculated—

- (a) if the judgment debtor has any dependants—at the rate of such amount per week as is equal to the amount of the minimum weekly wage for the time being payable under the Metal Trades Award to adult employees; or
- (b) if the judgment debtor does not have any dependants—at the rate of such amount per week as is equal to $\frac{3}{4}$ of the amount of the minimum weekly wage for the time being payable under the Metal Trades Award to adult employees.

6 Assignment of earnings not enforceable

- (1) An assignment of earnings after the commencement of this section is not enforceable.
- (2) Subsection (1) has effect regardless of—
 - (a) the nature of the instrument effecting the assignment; or
 - (b) the nature of the transaction that gave rise to the assignment.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Attachment of Wages Limitation Ordinance 1966* No 7 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was renamed as the *Earnings (Assignment and Attachment) Act 1966* by the *Magistrates Court (Enforcement of Judgments) Act 1994* (see s 68).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Earnings (Assignment and Attachment) Act 1966 No 7

notified 28 April 1966

commenced 28 April 1966

as amended by

Ordinances Revision (Administrative Arrangements) Ordinance 1977 No 18

notified 21 June 1977

commenced 21 June 1977

Attachment of Wages Limitation (Amendment) Ordinance 1977 No 36

notified 15 August 1977

commenced 15 August 1977

Legislation after becoming Territory enactment

Magistrates Court (Enforcement of Judgments) Act 1994 No 61 pt 7 div 1

notified 11 October 1994 (Gaz 1994 No S197)

s 1, s 2 commenced 11 October 1994 (s 2 (1))

pt 7 div 1 commenced 10 April 1995 (s 2 (2) and Gaz 1995 No S75)

Endnotes

4 Amendment history

Legislation (Consequential Amendments) Act 2001 No 44 pt 116
notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 116 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 Amendment history

Title

title sub 1994 No 61 s 67

Name of Act

s 1 am 1994 No 61 s 68

New South Wales law to cease to apply

s 2 om 2001 No 44 amdt 1.1260

s 3 om 1977 No 18

Definitions for Act

s 4 am 1977 No 36
def **board** om 1994 No 61 s 69
def **determination** om 1994 No 61 s 69
def **earnings** ins 1994 No 61 s 69
def **Metal Trades Award** ins 1994 No 61 s 69
def **wages** om 1994 No 61 s 69

Limitation on attachment of wages

s 5 am 1977 No 36; 1994 No 61 s 70

Assignment of earnings not enforceable

s 6 ins 1994 No 61 s 71

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1977 No 36	31 May 1991
2	Act 1994 No 61	10 April 1995

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